

*** NOT FOR PUBLICATION ***

NO. 25720

IN THE SUPREME COURT OF THE STATE OF HAWAII

ASSOCIATION OF UNIT OWNERS OF THE IMPERIAL HAWAII RESORT,
Plaintiff-Appellee

vs.

MATTHEW C. BASSETT, Defendant-Appellant

and

SILVERHAWK DEVELOPMENT CORPORATION OF HAWAII; DOLORES DRUM,
Successor Trustee of the Maida K. Divanian Charitable Trust dated
March 4, 1996; MAIDA K. DIVANIAN, Trustee of the Maida K.
Divanian Charitable Remainder Trust dated March 4, 1996; FINANCE
FACTORS LIMITED; DTP HOLDINGS, INC., Defendants-Appellees

and

FIDELITY ESCROW SERVICES, INC., Intervening Defendant-Appellee

and

EVELYN M. BATESOLE; EASTERN SAVINGS BANK, FSB; JAMES HOGG; and
LISA HOGG, Defendants

EASTERN SAVINGS BANK, FSB, a federally chartered savings bank,
Third-Party Plaintiff

vs.

FIDELITY ESCROW SERVICES, INC., a Hawaii corporation,
Third-Party Defendant-Appellee

and

JOHN DOES 1-50, MARY DOES 1-50, and DOE PARTNERSHIPS 1-50,
CORPORATIONS 1-50, DOE ENTITIES 1-50, and
DOE GOVERNMENTAL UNITS 1-50, Third-Party Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 99-1052)

***** NOT FOR PUBLICATION *****

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that the March 25, 2003 order distributing the special commissioner's holding escrow, the Honorable Karen N. Blondin presiding, finally resolved the intervenor-defendant's counterclaim and cross-claims for interpleader, which were claims separate from the plaintiff's claim for foreclosure. Judgment on the plaintiff's claim for foreclosure was entered pursuant to HRCF 54(b) and HRCF 58 on August 26, 1999, but judgment on the intervenor-defendant's claims for interpleader has not been entered pursuant to HRCF 58. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 869 P.2d 1334 (1994) (an order finally resolving claims is not appealable until a separate judgment on the claims is entered pursuant to HRCF 58). Thus, the appeal of the March 25, 2003 order is premature and we lack jurisdiction. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, July 11, 2003.